

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$33,690.00 IN UNITED
STATES CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

The United States of America, by its attorneys, Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Scott J. Campbell, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

Nature of the Action

1. This is a civil action to forfeit property to the United States of America, under 21 U.S.C. § 881(a)(6), for violations of 21 U.S.C. § 841(a)(1).

The Defendant In Rem

2. The defendant property, approximately \$33,690.00 in United States currency, was seized on or about July 29, 2019, from Andrew Hogstrom and Melissa Nieskes at or near 3XXX W. Scott Street, Milwaukee, Wisconsin.

3. The defendant property is presently in the custody of the United States Marshal Service in Milwaukee, Wisconsin.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).
5. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).
6. Venue is proper in this district under 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

Basis for Forfeiture

7. The defendant property, approximately \$33,690.00 in United States currency, is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6) because it was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

Facts

8. Cocaine is a Schedule II controlled substance.
9. Methamphetamine is a Schedule II controlled substance.
10. Zubsvol is a Schedule III controlled substance.
11. Suboxone is a Schedule III controlled substance.
12. Alprazolam is a Schedule IV controlled substance.
13. Clonazepam is a Schedule IV controlled substance.
14. Lorazepam is a Schedule IV controlled substance.
15. Diazepam is a Schedule IV controlled substance.
16. Andrew Hogstrom is a convicted felon.

17. As a convicted felon, Andrew Hogstrom is prohibited from possessing a firearm.

July 29, 2019 traffic stop of Andrew Hogstrom

18. On July 29, 2019, officers conducted a traffic stop near 3901 W. National Avenue, Milwaukee, Wisconsin, on a Toyota Sienna van driven by Andrew Hogstrom.

19. Andrew Hogstrom was the only occupant in the van.

20. A baggie containing approximately 0.5 grams of cocaine was lying in plain view on the floorboard of the driver's seat of the van.

21. Two cell phones and Andrew Hogstrom's wallet were inside a small cooler that was on the front passenger seat of the van.

July 29, 2019 execution of search warrant at Andrew Hogstrom and Melissa Nieskes's residence

22. On July 29, 2019, following the above-mentioned traffic stop, officers executed a search warrant at the residence of Andrew Hogstrom and Melissa Nieskes located at 3XXX W. Scott Street, Milwaukee, Wisconsin (the "subject residence").

23. On July 29, 2019, the following items, among other things, were inside a bedroom closet of the subject residence, directly below men's hanging clothes:

A. An orange pill bottle containing the following pills individually wrapped in baggies:

- i. Two Alprazolam 2 mg tablets,
- ii. Two Clonazepam 0.5 mg tablets,
- iii. Three Lorazepam 1 mg tablets, and
- iv. Eight Diazepam 5 mg tablets.

B. A safe containing, among other things, the following:

- i. A Crown Royal bag containing approximately \$4,980 in United States currency in rubber banded stacks, which is a portion of the defendant currency,

- ii. A wallet containing various identifiers for Andrew Hogstrom, including a Social Security card, a Wisconsin Department of Transportation temporary driver's license with photo, and a United Healthcare card,
- iii. A semi-automatic rifle with a loaded magazine and an unfired cartridge in the chamber,
- iv. A semi-automatic firearm with a loaded magazine and an unfired cartridge in the chamber, along with a second loaded magazine,
- v. Various ammunition,
- vi. A Crown Royal bag containing approximately 20 Gabapentin pills in a baggie, several empty baggies, and a digital scale,
- vii. A suspected drug ledger,
- viii. A metal box containing approximately \$28,710 in United States currency in rubber banded stacks, which is a portion of the defendant currency,
- ix. An orange pill bottle containing approximately 0.4 grams of methamphetamine,
- x. A digital scale with white residue on the weigh plate,
- xi. An orange pill bottle containing approximately 43 Zubsolv 8.6 mg/2.1 mg tablets,
- xii. An orange pill bottle containing razor blades,
- xiii. Two boxes containing a total of approximately 59 Suboxone 8 mg/2 mg sublingual films,
- xiv. A Crown Royal bag that contained six baggies containing a total of approximately 186.1 grams of crack cocaine, with individual weights of approximately 24.0 grams, 50.7 grams, 40.4 grams, 20.5 grams, 25.3 grams, and 25.2 grams,
- xv. A Woodman's grocery bag that contained five baggies containing a total of approximately 248.5 grams of cocaine, with individual weights of approximately 55.2 grams, 55.2 grams, 55.2 grams, 55.1 grams, and 27.8 grams,
- xvi. A Metro Market grocery bag that contained two baggies containing a total of approximately 38.7 grams of cocaine, with individual weights of approximately 15.0 grams and 23.7 grams,

- xvii. A bag with white residue, and
- xviii. An open box of baggies.

Andrew Hogstrom's State Charges

24. On August 2, 2019, Andrew Hogstrom was charged in Milwaukee County Circuit Court, Case No. 19CF3400, with (1) possession of cocaine with intent to deliver, use of a dangerous weapon, and (2) possession of a firearm by a convicted felon.

Melissa Nieskes's State Charges

25. On August 2, 2019, Melissa Nieskes was charged in Milwaukee County Circuit Court, Case No. 19CF3401, with maintaining a drug trafficking place.

Administrative Forfeiture Proceedings

26. On or about September 4, 2019, the Drug Enforcement Administration (“DEA”) began administrative forfeiture proceedings against the approximately \$33,690.00 in United States currency seized from Andrew Hogstrom and Melissa Nieskes’s residence on July 29, 2019, on the ground that the seized currency was used or intended to be used in exchange for controlled substances or was proceeds of trafficking in controlled substances.

27. On or about October 13, 2019, Melissa Nieskes filed a claim with the DEA in the administrative forfeiture proceeding to the defendant approximately \$33,690.00 in United States currency.

Warrant for Arrest In Rem

28. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

Claims for Relief

29. The plaintiff alleges and incorporates by reference the paragraphs above.

30. By the foregoing and other acts, the defendant property, approximately \$33,690.00 in United States currency, was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

31. The defendant approximately \$33,690.00 in United States currency is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property, approximately \$33,690.00 in United States currency, be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 17th day of December, 2019.

Respectfully submitted,

MATTHEW D. KRUEGER
United States Attorney

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Verification

I, Miguel Correa, Jr., hereby verify and declare under penalty of perjury that I am a Task Force Officer with the Drug Enforcement Administration (DEA) in Milwaukee, that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 8 through 23 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Task Force Officer with DEA.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: 12/17/2019

s/TFO MIGUEL CORREA, JR.
Miguel Correa, Jr.
Task Force Officer